IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 25140 of 2007(P)

PETITIONER:

GEETHA HARIKUMAR, W/O. HARIKUMAR,
AMPALLOOR (SREES), KADAVOOR, PERINAD P.O.,
THRIKKADAVOOR VILLAGE, THRIKKADAVOOR PANCHAYATH,
KOLLAM TALUK.

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS:
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1. SREEKUMAR, S/O. GOPINATHAN NAIR,
DEVAKI VIHAR, KANNIMEL CHERRY, KILIKOLLOOR VILLAGE
WORKING AT VLC CASHEW FACTORY, MANGAD,
KILIKOLLUR P.O.

2. SHEEBA, W/O. SREEKUMAR -DO- -DO-.

3. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR, KOLLAM.

4. TAHSILDAR,
KOLLAM TALUK, KOLLAM.

5. VILLAGE OFFICER,
THRIKKADAVOOR VILLAGE, PERINAD P.O.

6. INDIAN BANK,
KOLLAM BRANCH, KOLLAM, REPRESENTED BY
AUTHORISED OFFICER, THE MANAGER.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.25140 of 2007-P

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Dated this the 18th day of August, 2007.

JUDGMENT

Having regard to the nature of the order that is being issued hereunder, no notice is issued to the bank which, if aggrieved, will be at liberty to move for review of this judgment.

2. Petitioner claims to be in possession of the building in question on the basis of a rental arrangement. According to her, she, her two children and aged mother are residing there, while her husband is abroad. The petitioner contends that she is entitled to continue in possession on the basis of that rental arrangement. Whatever that be, outer time limit regarding possession is subject to Section 14 of the SARFAESI Act.

In the aforesaid circumstances, this writ petition is disposed of directing that if the petitioner is in possession of the building in question, having regard to the ensuing Onam season, she would be permitted to continue in possession for a period of two months or until confirmation of sale, whichever is later.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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